

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU LLC,

Plaintiffs,

v.

MARK ZUCKERBERG, EDUARDO SAVERIN,
DUSTIN MOSKOVITZ, ANDREW MCCOLLUM,
CHRISTOPHER HUGHES, and THEFACEBOOK,
INC.,

Defendants.

CIVIL ACTION NO. 1:04-CV-11923
(DPW)

MARK ZUCKERBERG, and THEFACEBOOK,
INC.,

Counterclaimants,

v.

CONNECTU LLC,

Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER
WINKLEVOSS, and DIVYA NARENDRA,

Additional Counterdefendants.

**DECLARATION OF ROBERT D. NAGEL IN SUPPORT OF FACEBOOK'S
OPPOSITION TO PLAINTIFF'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL
BRIEF IN OPPOSITION TO MOTION TO DISMISS, PRESENTING NEW EVIDENCE
AND SUPPLEMENTAL AUTHORITY IN VIEW OF *PRAMCO A***

I, Robert D. Nagel declare as follows:

1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel for Defendants Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, Christopher Hughes, and TheFacebook, Inc. (collectively, the "Facebook Defendants"). I make this Declaration in support of Facebook Defendants' supplemental brief and opposition to Plaintiff's motion for leave to file a supplemental brief in opposition to Facebook Defendants' motion to dismiss, presenting new evidence and supplemental authority in view of *Pramco* ("Plaintiff's Supplemental Brief"). I am an active member in good standing of the California State Bar, and I am admitted to appear *pro hac vice* before this court. I have personal knowledge of the facts stated therein and if called as a witness, could and would competently testify thereto.

2. Because of the arguments raised for the first time in Plaintiff's Supplemental Brief, I was instructed to search the Commonwealth of Massachusetts Secretary of Commonwealth web site (<http://www.sec.state.ma.us/index.htm>) for evidence regarding Plaintiff ConnectU's registration in Massachusetts. On June 20, 2006, I performed a search of the web site's Corporate Database for "connectU" "winklevoss," and "narendra." Attached hereto as **Exhibit 1** is a true and correct copy of screenshots downloaded form the web site, including the results of the searches performed, indicating that Plaintiff ConnectU is not registered in Massachusetts as an Company, LLP, LP, LLC, or Inc.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct. This Declaration is executed on this 20th day of June 2006, at Menlo Park, California.

/s/ Robert D. Nagel /s/

Robert D. Nagel

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on June 20, 2006.

Dated: June 20, 2006.

Respectfully submitted,

/s/ Robert D. Nagel /s/

Robert D. Nagel

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